

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

**SECOND LEGISLATIVE DAY
TUESDAY, JANUARY 11, 2005**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Cameron and Keough, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jedediah Bigelow, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journals of the proceedings of December 2, 2004, and January 10, 2005, were read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Cameron and Keough were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ralph Stout of Lewiston, Idaho, was appointed as a member of the Idaho Aeronautics Advisory Board to serve a term commencing April 23, 2004, and expiring January 31, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Lee Periman of Coeur d'Alene, Idaho, was appointed as a member of the Idaho Bingo-Raffle Advisory Board to serve a term commencing January 7, 2004, and expiring January 7, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Lloyd D. Thies of Nampa, Idaho, was appointed as a member of the Idaho Bingo-Raffle Advisory Board to serve a term commencing January 7, 2003, and expiring January 7, 2006.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that C. Kelly Pearce of Boise, Idaho, was appointed as a member of the Idaho

Commission for the Blind and Visually Impaired, to serve a term commencing July 1, 2004, and expiring July 1, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Karen A. McGee of Pocatello, Idaho, was appointed as a member of the Idaho State Board of Education to serve a term commencing March 1, 2004, and expiring March 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sue Thilo of Coeur d'Alene, Idaho, was appointed as a member of the Idaho State Board of Education to serve a term commencing May 14, 2004, and expiring March 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gavin Gee of Boise, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board, to serve a term commencing April 11, 2004, and expiring April 11, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that R. John Taylor of Lewiston, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing April 11, 2004, and expiring April 11, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Toni Hardesty of Boise, Idaho, was appointed Director of the Department of Environmental Quality to serve a term commencing July 6, 2004, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary D. Power of Salmon, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing July 2, 2004, and expiring June 30, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Wayne Wright of Twin Falls, Idaho, was appointed as a member of the Idaho Fish and

Game Commission to serve a term commencing July 2, 2004, and expiring June 30, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Lawrence Lafrenz of Boise, Idaho, was appointed Adjutant General of the Idaho National Guard to serve a term commencing January 15, 2005, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary Smith of Boise, Idaho, was appointed Director of the Department of Insurance to serve a term commencing December 1, 2004, and expiring January 7, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

January 10, 2005

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Craig Hill of Priest Lake, Idaho, was appointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2004, and expiring July 24, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William C. Bernt of Salmon, Idaho, was appointed as a member of the Outfitters and Guides Licensing Board to serve a term commencing April 20, 2004, and expiring April 20, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that C. Wayne Hunsucker of Boise, Idaho, was appointed as a member of the Idaho Outfitters and Guides Licensing Board to serve a term commencing April 20, 2004, and expiring April 20, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Anna Jane Dressen of Coeur d'Alene, Idaho, was appointed as a member of the Idaho Commission on Pardons and Parole to serve a term commencing January 1, 2005, and expiring January 1, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Steve Klatt of Sandpoint, Idaho, was appointed as a member of the Idaho Park and

Recreation Board to serve a term commencing July 1, 2004, and expiring July 1, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John T. Cowden of Boise, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing September 16, 2004, and expiring July 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Marianne Donnelly of Pocatello, Idaho, was appointed as a member of the Idaho Public Charter School Commission to serve a term commencing May 12, 2004, and expiring May 12, 2006.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William Goesling of Moscow, Idaho, was appointed as a member of the Idaho Public Charter School Commission to serve a term commencing May 12, 2004, and expiring May 12, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that James C. Hammond of Post Falls, Idaho, was appointed as a member of the Idaho Public Charter School Commission to serve a term commencing May 12, 2004, and expiring May 12, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Kirk Miller of Boise, Idaho, was appointed as a member of the Idaho Public Charter School Commission to serve a term commencing May 12, 2004, and expiring May 12, 2006.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Paul Powell of Boise, Idaho, was appointed as a member of the Idaho Public Charter School Commission to serve a term commencing May 12, 2004, and expiring May 12, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ann Souza of Sandpoint, Idaho, was appointed as a member of the Idaho Public Charter

School Commission to serve a term commencing May 12, 2004, and expiring May 12, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Esther Van Wart of Pocatello, Idaho, was appointed as a member of the Idaho Public Charter School Commission to serve a term commencing May 12, 2004, and expiring May 12, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Clifford T. Hayes of Post Falls, Idaho, was appointed as a member of the Public Employee Retirement System of Idaho Board to serve a term commencing July 1, 2004, and expiring July 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 10, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that David E. Kinghorn of Lewisville, Idaho, was appointed as a member of the Idaho Board of Tax Appeals to serve a term commencing June 30, 2004, and expiring June 30, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Local Government and Taxation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute, salaries to be fixed by Senate Resolution:

| | |
|---|------------------------|
| Admin. Assistant to President Pro Tem . . . | Darelyn McCarter |
| Fiscal Assistant to President Pro Tem | Mary Sue Jones |
| Majority Leader Secretary | Geri Rees |
| Assistant Majority Leader Secretary | Beverly Boyle |
| Majority Caucus Secretary/Pool Supervisor . . . | Sherry Lance |
| Secretary to Secretary of Senate | June Keithly |
| Assistant Secretary of Senate | Rusti Horton |
| Journal Clerk | Lana Muller |
| Calendar Clerk | Margaret Lundy |
| Minority Chief of Staff | Marie Hattaway |
| Minority Staff Assistant | Judy Maynard |
| Minority Staff Assistant | M. J. Durant |
| Minority Staff Assistant | Dawna Rasmussen-Burket |
| Sergeant at Arms | Sarah Jane McDonald |
| Assistant Sergeant at Arms | Debbie Wayman |
| Republican Secretarial Pool: | |
| Research Assistant | Mary Harvey |
| Pool Secretary | Arlene Mahaffey |
| Senate Doorkeeper | Bob McDonald |
| Mail Room Director | Sally Clark |
| Mail Room | Jean Briggs |
| Mail Room | Lenette Bendio |

Committee Secretaries:

| | |
|---------------------------------------|--|
| Agricultural Affairs | Kristen Weitz |
| Commerce & Human Resources | Jan Cook |
| Education | Tenille Claridge |
| Finance | Peggy Moyer |
| Health & Welfare | Joy Dombrowski |
| Judiciary & Rules | Marianne Hansen |
| Local Government & Taxation | Joan MacMillan |
| Resources & Environment | Juanita Budell |
| State Affairs | Lisa Lalliss-Skogsberg |
| Transportation | Betty Osborn |
| Senate Chaplain | Pastor Don Hardenbrook |
| Lounge Hostess | JoAnn Parkinson |
| Lounge Assistants | Susan Bonny, Christine Koekemore, and Denae Huber |

Pages:

Sarah Fuger, Pocatello
Nicole Polatis, Pingree
Jedediah Bigelow, Rigby
Austyn Lewis, Caldwell
Brittany Mullen, Burley
Jenni Hurley, Buhl
Ali Lauda, Buhl
Jennie Nelson, Meridian
Sheryl Tubbs, Malad
Jessica Pfeiffer, Malad

Whereupon the President instructed the Sergeant at Arms to escort the attaches to the Desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1001 BY GOEDDE AN ACT

RELATING TO IDAHO STATE VETERANS HOMES; AMENDING SECTION 39-5503, IDAHO CODE, TO PROVIDE THAT IDAHO STATE VETERANS HOMES MAY PERMIT SMOKING IN DESIGNATED AREAS UNDER CERTAIN CONDITIONS.

S 1001 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 11:30 a.m., Wednesday, January 12, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary